


**REMARKS**

It has been noted that the recital in claim 1 that the polymorphic site is occupied by the Anderson et al. base of Table 1 col. 3 is inconsistent with the recital in claim 3 that the site can be occupied by an alternative base. Accordingly, the recital has been deleted from claim 1. Claim 3 has also been clarified to indicate that an alternative base means a base different than the base in the Anderson et al. sequence shown in Table 1, col. 3. Support for the amendment to claim 3 is provided by e.g., p. 7, lines 5-7 explaining that alternate alleles are forms other than the first identified allelic form. In this case, variant allelic forms are other than the first identified sequence of Anderson et al. provided in Table 1, column 3. Certain polymorphic sites have been deleted from claim 1 and dependent claims. Additional dependent claims have been added directed to subsets of the list of polymorphic sites recited in independent claims 9 and 10. The claims depending from claims 9 and 10 are allowable for at least the same reasons as claims 9 and 10 (indicated to be allowed). No amendment should be construed as an acquiescence in any ground of rejection.

Claims 1, 3, 17 and 20 stand rejected as anticipated by Wallace, US 5,494,794. Wallace is said to disclose nucleic acid segments including polymorphic sites at positions 3200, 5912, 5331 and 247. In response, applicants have amended claim 1 to delete reference to the polymorphic sites referred to by the Examiner. Claims 17 and 20 have been analogously amended. Claim 3 is amended by the amendment to claim 1 from which it depends.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Joe Liebeschuetz  
Reg. No. 37,505

Appl. No. 08/856,376  
Amdt. dated October 31, 2005  
Reply to Office Action of August 1, 2005

PATENT

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
JOL:sjj  
60565866 v1